

# HOUSE . . . . . No. 73

By Mr. Eldridge of Acton, petition of James B. Eldridge and others relative to campaign expenses of certain candidates. Election Laws.

## The Commonwealth of Massachusetts

### PETITION OF:

James B. Eldridge	Mathew C. Patrick
Reed V. Hillman	Patricia D. Jehlen
Ruth B. Balser	
Common Cause	
Massachusetts	

In the Year Two Thousand and Five.

### AN ACT FURTHER REGULATING POLITICAL CAMPAIGNS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Section 1 of Chapter 55 of the General Laws is  
2 hereby amended by inserting the following definitions:—  
3 “Expense directly related to the campaign of a candidate,” an  
4 expense directly involved in an election campaign including,  
5 without limitation, expenses such as postage, printing, adver-  
6 tising, staffing, polling, and other such expenditures, as further  
7 regulated by the director, but shall not include expenses which  
8 merely enhances a candidate’s political future.  
9 “Exploratory political committee,” a political committee orga-  
10 nized on behalf of a candidate subject to the limitations in  
11 section 6 and the remainder of this chapter.

1 SECTION 2. Section 5 of Chapter 55 of the General Laws is  
2 hereby amended by inserting at the end of the second sentence of  
3 the third paragraph, the following words:—  
4 , except that a candidate may consent to one political com-  
5 mittee organized on behalf of a candidate and one exploratory  
6 political committee organized on behalf of the same candidate.

1 SECTION 3. Chapter 55 of the General Laws is hereby  
2 amended by inserting the following new section after  
3 section 5B:—

4 Section 5C. Surplus or Residual Funds of a Candidate's Com-  
5 mittee.

6 (a) Any candidate who (1) withdraws from candidacy, (2) has  
7 been defeated in a primary or run-off election and does not seek  
8 election in a general or special election, or (3) appears on the  
9 ballot or was a write-in candidate in a general or special election  
10 but has not been elected shall distribute any funds in said candi-  
11 date's account ninety days after the earliest occurrence clause (1),  
12 (2) or (3) to the public financing fund as established by section  
13 forty-two of chapter ten or to an exploratory political committee.

14 (b) Any individual who holds elective public office but is not  
15 otherwise a candidate shall distribute any funds in his campaign  
16 account ninety days after a general election in which said indi-  
17 vidual is not reelected to the state election campaign fund as  
18 established by section forty-two of chapter ten or to an  
19 exploratory political committee.

20 (c) Any individual who has been elected or reelected to public  
21 office at a general or special election shall distribute any funds in  
22 his campaign account above \$15,000 in the case of a state repre-  
23 sentative and \$30,000 in the case of a state senator ninety days  
24 after a general election to the state election campaign fund as  
25 established by section forty-two of chapter ten or to an  
26 exploratory political committee.

27 (d) A candidate's committee shall dissolve at the time such sur-  
28 plus funds are distributed or at any time within ninety days after  
29 the first occurrence of clause (a) (1) (2) or (3) of this section when  
30 the net assets and net liabilities of the candidate's committee equal  
31 zero.

32 (e) In the event of a net deficit ninety days after the first occur-  
33 rence of clause (a) (1) (2) or (3) the candidate's committee shall  
34 not dissolve until the deficit is eliminated. Any funds collected by  
35 such a committee after the expiration of the ninety-day period  
36 shall be used for the purpose of eliminating the deficit and for no  
37 other purpose.

38 (f) This section shall not be construed to limit a candidate's  
39 ability to organize a new campaign committee pursuant to  
40 section 5 of this chapter.

1     SECTION 4. Section 6 of Chapter 55 of the General Laws is  
2 hereby amended by striking in the first sentence the words “the  
3 office of governor, lieutenant governor, attorney general, state  
4 secretary, treasurer and receiver general, or auditor” and inserting  
5 therefore:—  
6     public office in the Commonwealth other than an exploratory  
7 committee.

1     SECTION 5. Section 6 of Chapter 55 of the General Laws is  
2 hereby further amended by striking the second paragraph and  
3 inserting therefore:—

4     Any other political committee, except as hereafter provided,  
5 duly organized, may receive, pay and expend money or other  
6 things of value for the reasonable and necessary expenses directly  
7 related to the principle for which the committee was organized so  
8 long as such expenditure is not primarily for any person’s personal  
9 use, provided, however, that the director shall establish reasonable  
10 rules and regulations concerning such expenditures; and provided,  
11 further, that such committee may contribute to other political  
12 committees provided, further, that the aggregate of all such contri-  
13 butions made by such a committee shall not exceed in any one  
14 calendar year the sum of one hundred dollars to each committee;  
15 and provided further, that the aggregate of all such contributions  
16 made by such a committee shall not exceed in any one calendar  
17 year the sum of fifteen hundred dollars.

18     An exploratory political committee may receive, pay and  
19 expend money or other things of value for purposes of exploring a  
20 future candidacy in an office other than the one currently held by  
21 the candidate establishing the committee. Expenditures may be  
22 made for political polling related to said future candidacy, but for  
23 no other purpose, until said exploratory committee is dissolved,  
24 upon which time all remaining funds may be transferred to the  
25 political committee organized on behalf of a candidate who estab-  
26 lished the committee for an office other than the one held by the  
27 candidate when the committee was established. Alternatively,  
28 funds may be returned pro-rata to contributors, or contributed to  
29 the state election campaign fund as established in section forty-  
30 two of chapter 10.

1 SECTION 6. Section 6 of Chapter 55 of the General Laws is  
2 hereby further amended by inserting after the words “the aggre-  
3 gate of all contributions of money” in the third sentence of para-  
4 graph three the following words:—  
5 or direct in-kind contributions

1 SECTION 7. Section 6 of Chapter 55 of the General Laws is  
2 hereby further amended by inserting after paragraph six the  
3 following paragraph:—  
4 For the purposes of this section the term “direct in-kind contri-  
5 bution” shall mean an in-kind contribution that is primarily for the  
6 benefit of any one candidate or the non-elected political com-  
7 mittee organized on such candidate’s behalf that is otherwise com-  
8 parable to a contribution of money, such as, but not limited to,  
9 postage, printing, rent, utilities, advertising, paid staffing and the  
10 like, subject to further regulation by the director. In-kind contri-  
11 butions that are not primarily for the benefit of any one candidate  
12 or the non-elected political committee organized on such candi-  
13 date’s behalf, such as issues research, statewide polling, party list  
14 maintenance, statewide and regional staff and the like may be con-  
15 tributed without limit.

1 SECTION 8. Section 7A of Chapter 55 of the General Laws is  
2 hereby amended by inserting the following paragraph after para-  
3 graph 5(b):—  
4 (6) Notwithstanding any other provision of this chapter, any  
5 contribution that is made to a candidate or a candidate’s com-  
6 mittee who has been a certified candidate in a special election or  
7 the nominee of a political party in that special election for the  
8 same office in which said candidate or candidate’s committee is  
9 currently a certified candidate shall be deemed to have been made  
10 in a separate calendar year.

1 SECTION 9. Section 18 of Chapter 55 of the General Laws is  
2 hereby amended by striking subsection (1) in paragraph (a) and  
3 inserting therefore:—  
4 (1) the twentieth day of May in the year of a state election, the  
5 sixth day preceding a primary, the sixth day preceding a biennial  
6 state election, and, as a final report, the twentieth day of January

7 in the following year complete as to the thirty-first day of  
8 December of the prior year;

1 SECTION 10. Section 18 of Chapter 55 of the General Laws is  
2 hereby further amended by striking in paragraph 7 of clause (h)  
3 the word “tenth” and inserting therefore:—  
4 fifth.

1 SECTION 11. Section 18 of Chapter 55 of the General Laws is  
2 hereby further amended by striking sub-paragraphs (i) (ii) (iii) and  
3 (iv) following clause (h) and inserting therefore:—  
4 the state election campaign fund as established by section forty-  
5 two of chapter 10 or the general fund of any city or town in the  
6 commonwealth.